

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES MARTINEZ,

Plaintiff

v.

WASHOE COUNTY JAIL, *et al.*,

Defendants

Case No. 3:21-cv-00098-MMD-WGC

ORDER

I. DISCUSSION

On February 24, 2021, Plaintiff, an inmate in the custody of the Washoe County Detention Center, filed an application to proceed *in forma pauperis*. (ECF No. 1). On February 25, 2021, Plaintiff submitted a civil rights complaint under 42 U.S.C. § 1983 (ECF No. 3). Plaintiff's application to proceed *in forma pauperis* is incomplete. Plaintiff has not submitted a properly signed Financial Certificate or an inmate account statement for the previous six-month period.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
- (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.**

Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) without prejudice because the application is incomplete. The Court will grant

Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents. Plaintiff will file a fully complete application to proceed *in forma pauperis* on or before **April 27, 2021**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three required documents on or before **April 27, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before **April 27, 2021** to proceed with this case.

The Court will retain Plaintiff's civil rights complaint (ECF No. 3), but the Court will not file the complaint unless and until Plaintiff timely files a fully complete application to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete application to proceed *in forma pauperis* with all three documents.

IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that on or before **April 27, 2021**, Plaintiff will either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative fee) or file with the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this

1 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
2 signatures on page 3),

3 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
4 official (i.e. page 4 of this Court's approved form), and

5 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
6 **previous six-month period.**

7 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
8 application to proceed *in forma pauperis* with all three documents or pay the full \$402
9 filing fee for a civil action on or before **April 27, 2021**, this case will be subject to dismissal
10 without prejudice for Plaintiff to refile the case with the Court, under a new case number,
11 when Plaintiff has all three documents needed to file a complete application to proceed
12 *in forma pauperis* or pays the the full \$402 filing fee.

13 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
14 (ECF No. 3) but will not file it at this time.

15 DATED: March 1, 2021

16 William G. Cobb
17 UNITED STATES MAGISTRATE JUDGE
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